IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.67227-M of 2006
Date of Decision:- 30.07.2007

Jahul ....Petitioner(s)

through
Mr.Satish Chaudhary, Advocate

vs.

State of Haryana & ors. ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr.DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

The prayer in this petition is for quashing of F.I.R.No.600 dated 6.8.2006 under Sections 379/411 IPC registered at Police Station Sadar Gurgaon, District Gurgaon.

The above-stated relief is primarily sought on the ground that the petitioner has enmity with Head Constable Umar Mohammad and he has been falsely implicated at the instance of the said Head Constable.

Notice of motion was issued and in response thereto, Inspector Mahabir Singh, SHO Police Station Sadar Gurgaon, has filed his reply/affidavit on behalf of respondents No.1 to 7. It has been categorically averred that H.C. Umar Mohammad has no concern with the registration of the case. It has been further averred that a stolen motor-cycle was recovered from the petitioner which led to registration of the F.I.R.

After hearing learned counsel for the parties and having regard to the seriously disputed questions of fact involved in this case and the plea taken by the higher police authorities that the aforesaid F.I.R. has been registered on the basis of alleged incriminating material recovered/collected against the petitioner and not at the behest of a Head Constable, I am satisfied that no case to quash the impugned F.I.R. is made out. This petition is accordingly disposed of with liberty to the petitioner to raise all his contentions before the learned trial Court which shall be gone into in accordance with law.

July 30, 2007 **(SURYA KANT)**
poonam **JUDGE**